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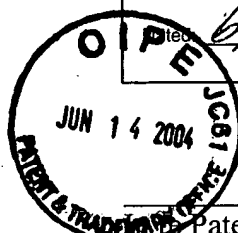
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6/9/04

Signature:

Jeanne Amour
(Jeanne Amour)

Docket No.: 278012001420
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:
Carlos F. BARBAS, III, et al.

Application No.: 09/765,555

Art Unit: 1638

Filed: January 19, 2001

Examiner: M. Ibrahim

For: METHODS AND COMPOSITIONS TO
MODULATE EXPRESSION IN PLANTS

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Action mailed March 9, 2004, the time for response to which is set to expire June 9, 2004. Accordingly, this response is timely filed. Careful consideration has been given to the grounds for rejection, and the following amendment and discussion are offered in response. Reconsideration is respectfully requested.

Also included herewith are the following Exhibits:

Exhibit A: Hillyer, G., *AgBioForum* 2:99-102 (1999).

Exhibit B: Guan et al., *Proc. Nat'l. Acad. Sci. U.S.A.* 99:13296-301 (2002).

Exhibit C: Ordiz et al., *Proc. Nat'l. Acad. Sci. U.S.A.* 99:13290-95 (2002).



PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/765,555	
	Filing Date	January 19, 2001	
	First Named Inventor	Carlos F. BARBAS, III	
	Art Unit	1638	
	Examiner Name	M. A. Ibrahim	
Total Number of Pages in This Submission	40	Attorney Docket Number	278012001420

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply – 19 pages <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s). <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Exhibit A - 8 pgs.; Exhibit B - 6 pgs.; Exhibit C - 6 pgs.; Postcard
Remarks Customer Number 25225		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP Laurie L. Hill - 51,804
Signature	
Date	June 9, 2004

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Jeanne Amour